

COMPLETION OF A FEES INFORMATION SHEET (FIST)

SCHEME B

Cases sent/transferred/committed to Crown Court on or after 3 October 2005

GENERAL

1. Complete a FIST for **each advocate** (unless he/she is a stand in) in a case where the following conditions are met:
 - a) the case was heard in the Crown Court;
 - b) the case was committed/transferred/sent on or after 3 October 2005
 - c) at PDH the case was estimated to last 8 weeks or less.
 - d) all guilty pleas
 - e) all cracked trials
 - f) committals for sentence; appeals against sentence; appeals against conviction
 - g) pre-committal bail application (code OHA)
2. Where there is more than one main hearing date arising from mixed pleas, complete a separate FIST for each such main hearing date. In addition a trial and re-trial involving the same advocate is paid on a separate FIST.
3. The FIST will be used to calculate the Graduated fee payable to the advocate. Where an additional payment is being made please see paragraph 44 of the guidance **before** completing the FIST.
4. Where a case does not meet the conditions in paragraph 1, pay the fees using a Notification of Fees Form (NOFF).

COMPLETION

7. Complete the shaded boxes in every case.
8. The information recorded on the top part of the form will be used to calculate the main hearing fee (trial, guilty plea and cracked trial fee)
9. The information in the fixed/calculated fees boxes will be used to calculate the ancillary/fixed fees associated with the case (eg committal for sentence, appearances, PDHs, PCMHs).

Court

10. Enter the name of the court centre in which the main hearing took place.

CREST Number

11. Enter the CREST/Indictment number for the case(s).

Case Name

12. Enter the name of the defendant(s). If there are a lot of defendants, just enter the name of the lead defendants plus "and others".

Advocate Name

13. Enter the advocate's name.

Advocate Name

14. Enter the name of chambers and the DX number.

Case Type

15. Enter the relevant case type code for the fees to be paid:

5	Guilty Plea	Case where the defendant pleads guilty at PDH/PCMH or the prosecution offers no evidence
6	Effective Trial	Case listed for trial where a jury is sworn and evidence is called
8	Cracked Trial	Cases where the defendant pleads guilty or the prosecution offers no evidence after a PDH/PCMH where the case has been adjourned for trial
9*	Fixed Fees/Ancillary Fees Only	

16. * To be used where the advocate has dealt with ancillary/fixed fee hearings only (eg mention, sentence) and **NOT** the main hearing (eg trial, cracked trial or guilty plea).

17. Where more than one Main Hearing happens at the same hearing (eg at trial prosecution offers no evidence on one count [case type 8] and the defendant pleads to another indictment), the advocate can elect either case as the Main Hearing with a case uplift for the other. In this scenario, details of both case need to be listed.

Offence Class

18. Enter the relevant offence code for the case. Where more than one offence class is applicable, list all relevant codes in the boxes provided.

19. The offence codes are:

A	Homicide and related grave offences
B	Offences involving serious violence or damage (arson where value exceeds £30,000), and serious drugs offences.
C	Lesser offences involving violence or damage (arson where value does not exceed £30,000), and less serious drugs offences
D	Serious sexual offences, offences against children
E	Burglary etc
F & G	Other offences of dishonesty (See Annex 1 for further explanation)
H	Miscellaneous lesser offences
I	Offences against public justice and similar offences

Number of defendants

20. Enter the number of defendants. Where the advocate dealt with more than one case and has the option to elect the case on which the graduated fee may be paid, list the number of defendants for each case.

Number of pages of evidence

21. Enter the number of pages of prosecution evidence for effective trials, guilty pleas and cracked trials (case categories 5, 6 and 8) **only**. Where more than one case is being paid for, enter the number of pages for each case (next to the relevant offence class).
22. This box has been split into 2 columns (exhibits and statements) for ease of completion. The number of pages of evidence should include:
- a) all witness statements
 - b) documentary and pictorial exhibits
 - c) records of interview
 - d) any additional evidence served

but **exclude** any unused material, police reports, etc.

Other Pages

23. For PII material, enter the number of pages in the other pages box. Where more than one case is being paid for, enter the pages of PII for each case (next to the relevant offence class). This box need only be completed in effective trials, guilty pleas and cracked trials (case categories 5, 6 and 8).

Number of witnesses

24. Enter the number of prosecution witnesses in all trials and cracked trials.

Advocate type

25. Complete this box for all case types. Enter the relevant code for the advocate being paid:

A	Junior Counsel/Solicitor Advocate appearing alone
B	Junior Counsel/Solicitor Advocate led by Leading Junior Counsel
C	Junior Counsel/ Solicitor Advocate led by Queen's Counsel
D	Leading Junior Counsel/Solicitor Advocate
E	Queens Counsel/Solicitor QC
*F	Noting Junior Counsel/Noting Solicitor Advocate

For these purposes, treat Junior Treasury Counsel as Junior Counsel and Senior Treasury Counsel as Queen's Counsel.

Where payment is being made to a noting junior/solicitor advocate you should complete all shaded boxes on the FIST as if it were a trial and enter the number of days the advocate was in court in the number of days counsel attended trial box.

Number of cases

26. Enter the total number of cases where the Main Hearings occur on the same day.

Retrials

27. Tick the retrial box if the FIST relates to a payment to the advocate who dealt with the original trial. If the case is adjourned for a re-trial, prepare the FIST and pay all the fees to date **using the last date of the trial as the Last Hearing Date**. Prepare a second FIST for all subsequent hearings, using the actual last hearing date as the Last Hearing Date.

If the retrial box is ticked and if the retrial began within one calendar month of the jury being discharged in the original trial, tick the box below.

Main Hearing Date

28. Enter the date of the main hearing for which fees are being claimed (eg first day of trial, retrial, date of plea or date trial cracked). Complete this box for all case types.

Hearing type	Main Hearing Date
Committal for sentence	Date the defendant was committed
Appeal against Conviction	Date of calling of evidence
Appeal against Sentence	Date of review of sentence
Pre-committal bail hearing	Date of the bail hearing

Note: If the FIST relates to a fixed fee/ancillary fee payment (case type 9) only, the main hearing date for the **case** should be entered eg date of trial, cracked trial or guilty plea.

Length of trial

29. Complete this box **in all effective trial cases (case type 6)**. Enter the length of trial including the first day.

Number of days advocate attended trial

30. This box must be completed **in effective trial cases (case type 6)** with the number of days the advocate attended the trial (including the first day). In most cases this will be the same as the length of trial. This information is needed because the advocate receives a different refresher for days 41 to 50 and days beyond day 50.

Cracked trial

31. **For cracked trials (case type 8)**, record the start and end dates of the case. The IT package will calculate the correct fee based on these dates and the main hearing date. Enter the date the trial cracked in the Main Hearing Date box.

FIXED FEES

32. Record in these spaces payments for fixed fees and ancillary hearings. If there is insufficient space for the fixed/ancillary fees in the case, attach a further FIST and clearly mark it as a continuation sheet. If any fixed fee hearing lasts more than 1 day, enter each day on a separate line.

Date

33. Enter the date the fee was incurred.

Type

34. Enter a brief description of the fee. This will assist the fee clerk when comparing the FIST against the GFC.

Code

35. Enter the code for the fixed fee. The valid fees are:

BPD	Cases listed Plea and Directions Hearing/Pre-trial reviews
BWA	Bench Warrant Issued (not executed within 3 months)
NEF	Trial Stand out – on application by defence or prosecution
FNR	Trial Stand out – not on application by defence or prosecution
DTW	Proceeds of Crime Act / drug trafficking / confiscation hearings – Full Day
DTH	Proceeds of Crime Act / drug trafficking / confiscation hearings – Half Day
PAW	PII/Abuse of Process/Disclosure/Admissibility of Evidence Hearings – Full Day
PAH	PII/Abuse of Process/Disclosure/Admissibility of Evidence Hearings – Half Day
DSE	Deferred Sentence Hearing
SHR	‘Ordinary’ Sentence Hearing on Indictment
OHA	Applications & mentions.
BAP	Bail Application
ACV	Appeal Against Conviction
ASE	Appeal against Sentence/ Breach of Crown Court Order
CSE	Committal for Sentence
PAP	Paper PDH –for pilot courts only

Number of defendants dealt with

36. For each fixed fee enter the number of defendants dealt with at that hearing.

Number of cases

37. For each fixed fee enter the number of cases dealt with at that hearing – only for Committals for Sentence / Appeals against Sentence / Appeals against Conviction.

CALCULATED FEES

38. The next section of the FIST is used to record payments due for hourly rate work, listening/viewing tapes, travel and hotel expenses. Special Preparation can be claimed for two reasons:

- Reading pages of evidence in excess of the 10,000 limit imposed by the GFS.
- Preparation relating to new or novel facts or points of law. This claim should rarely arise and should be strongly resisted without written support for the claim.

Hourly Rate Work

39. Hourly rates are paid for conferences, special preparation, wasted preparation and time spent travelling to views. The other box should be used to pay unduly lenient sentences and advice work. Enter each piece of work in hours and minutes.

40. **Conferences** – Record the number of hours and minutes for each conference.

Listening/Viewing Tapes

41. Circle the number of tapes as listed on the exhibit's list. The length of each tape will be added by the Fees Clerk on receipt of the GFC and backsheet.

Travel and Hotel Expenses

42. If the advocate had to travel more than 25 miles from chambers to Court, enter the date when the journey took place.

Date of Last Hearing

43. Enter the Last Hearing Date in the case.

Additional payment

44. An additional payment may be required if a hearing/fee was omitted from the original FIST or where an adjustment is agreed to an already paid fee. Where an additional payment is being made you should copy the original FIST and clearly add or amend the FIST to show the additional fees. The copy FIST should be re-signed and sent with a corresponding GFC to the NFBPC for payment.

Certification

45. On completion of the FIST the caseworker should sign to certify that the information recorded accords with the case file/fee log, adding the date and their contact number. The Fees clerk should sign to confirm the FIST matches the claim.

Account Number

46. Enter the relevant cost centre and account number to ensure that the fees are paid from the correct budget.

Receipt of Graduated Fees Claim (Fees Clerk Responsibility)

47. On receipt of a GFC, check the raw data against the completed FIST. Any discrepancies need to be rectified by reference to case file/fees log and /or discussion with the Clerk.

48. Once the raw data on the FIST and GFC match, sign the FIST to confirm that the data on the FIST matches that claimed on the GFC.

Date GFC received in Branch

49. Record the date of receipt of a **valid** GFC.

50. Once the FIST and the GFC are in agreement and all relevant certifications have been made, forward the FIST and GFC to the National Finance Business Processing Centre in Wakefield.